



Attorney Docket No.: 42970-3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of
Michael Seul, et al.
Serial No.: 09/448,420
Filed: November 22, 1999
For: COLOR-ENCODING AND IN-SITU
INTERROGATION OF MATRIX-
COUPLED CHEMICAL COMPOUNDS

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: Group Art Unit:
: 1639
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: Examiner:
: P. Ponnaluri
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:

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the communication mailed May 30, 2003 (Paper No. 29).

Applicants thank Examiner for the courtesy extended to their undersigned attorney during the telephonic interview of July 15, 2003. The communication mailed May 30, 2003 was discussed.

CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

BY

Lori M. Aichele

DATE:

July 18, 2003

Per the petition and fee submitted herewith, Applicants invoke the benefit of 37 C.F.R. 1.136 to secure a one-month extension of time up to and including July 30, 2003.

Applicants previously elected the species nucleotide as the compound of interest for identification. Subsequently, Examiner requested election of a species of component from claim 167, the compound of interest being formed by said component. In response, Applicants elected the species of component-NH-CHR-CO- in which R is a methyl group.

Examiner has advised Applicants that the selection of the aforesaid component is inconsistent with the prior election of nucleotide as the compound of interest.

Upon further consideration, none of the ten component structures recited in claim 167 are relevant to generation of an oligonucleotide compound. Thus, Applicants withdrawal their election of the component-NH-CHR-CO- in response to the February 25, 2000 action. Since none of the ten component structures of claim 167 would form the basis of a nucleotide, Applicants are unable to make an election.

It is respectfully requested that the election of species requirement from among the species of claim 167 be withdrawn as inconsistent with Applicants' original election of nucleotide as the compound of interest.

Respectfully submitted,

MICHAEL SEUL, ET AL.

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